

REMARKS

The Response, filed in response to the Office Action mailed June 21, 2010, addresses all and every issue raised in the Office Action. Favorable reconsideration and allowance of the application are respectfully requested.

Status of the Claims

Claims 1-7 and 10-22 are all the claims pending in the application.

In the Office Action, Claims 13, 14, 20, and 21 have been examined and rejected. Claims 1-7, 10-12, 15-19, and 22 have been withdrawn.

In the instant Response, no claims are amended, canceled, or added.

A verified English translation of priority document and a Declaration under 37 C.F.R. § 1.132 showing that the disclosure of Uraguch is not made by others are concurrently submitted. Entry and consideration thereof as well as the instant Response.

Withdrawn Rejections

Applicant thanks the Examiner for withdrawing the previous rejections under 35 U.S.C. §102(b) and §103 over Inanaga et al. (EP 1134209 A1) in light of Applicant's amendments and arguments.

Response to Claim Rejections - 35 USC § 102 and § 103

In the Office Action, claims 13 and 14 are rejected under 35 U.S.C. 102(b) as assertedly being anticipated by Uraguchi (*JACS*, 2004) of record.

In the Office Action, claims 20 and 21 are rejected under 35 U.S.C. 103(a) as assertedly being unpatentable over Uraguchi (*JACS*, 2004) as applied to claims 13 and 14.

Applicant respectfully traverses.

1. Uraguchi is not a § 102(b) reference, but at best a § 102(a) reference.

Uraguchi (*JACS*, 2004) was initially published on the web on September 1, 2004, which was less than one year prior to the filing date of the instant application, which is January 26, 2005, the PCT filing date of PCT/JP05/00962 from which the instant application is filed as a national stage application. Therefore, Uraguchi is at best a reference under 35 U.S.C. § 102(a), not 102(b).

2. Uraguchi is removed by perfecting foreign priority claim

The instant application claims foreign priority from Japanese Patent Application No. 2004-017725 filed January 26, 2004.

In order to remove Uraguchi as a 102(a) reference, Applicant concurrently submits a verified English translation of JP 2004-017725. The specification and claims of the instant application are substantially the same as those of JP 2004-017725.

Therefore, the rejections of claims 13, 14, 20, and 21 based on Uraguchi is rendered moot.

Allowance of the application is respectfully requested.

Submission of Declaration Under 37 C.F.R. §1.132

In addition, Applicant submits a Declaration under 37 C.F.R. § 1.132 by the inventors, stating that the Uraguchi reference was first published on the web on September 29, 2004, which was later published on paper on September 29, 2004; they are co-authors of the Uraguchi reference; and the disclosure of the Uraguchi reference was made by themselves.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number **202-775-7588**.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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CUSTOMER NUMBER

Date: September 21, 2010